JAMES BURK GETS FIVE YEARS FOR STEALING CHURCH SILVERWARE.

Held Up Father Prendergast at Point of Revolver in His Home-Sacred Silver Vessels Displayed in the Courtroom.

Father John Prendergast and part of the contents of the sacristy at Twenty-sixth and Madison streets figured in a trial for burglary in the criminal court yesterday. A set of silverware consisting of six pieces covered the top of the counsel table, where usually nothing but law books lie, and Father Prendergast sat near at hand to tell the jury how James Burk, alias Frank Day, had broken into the parsonage in September, 1897, and had taken these sacred vessels at the point of a revolver. The jury found Burk guilty and fixed his punishment at five years in the peniten-

on the night of the robbery Burk appeared at the door of the parsonage and as Father Prendergast opened it he shoved a revolver into the face of the priest. The door was quickly slammed shut by Father Prendergast.

Burk slipped around the house and got in through a window. He walked noiselessly through the hall to the door of Father Prendergast, who supposed the thief had taken his departure.

He knocked on Father Prendergast's door.

door. "Who's there?" said the father. "Why, father, somebody's sick in your parish and would like to have you come at once." at once.

Father Prendergast was suspicious and declined to open the door. The burglar broke it open and compelled Father Prendergast to stand with his face to the wall while he ransacked the room for valuables and hurriedly made his escape.

It was not until several months afterwards that Burk was caught. A woman in Armourdale, at whose house he had concealed the silverware, informed the police.

In his argument to the jury Prosecutor

lice.

In his argument to the jury Prosecutor Reed had occasion to refer to the prisoner's use of the term "father."

"I object," said Attorney Jim Cole, in behalf of Burk, "You haven't proved that Burk was a member of the Catholic church."

Burk was a member of the church."

"No," retorted Mr. Reed, turning from the jury to Jim Cole. "If he were a Catholic he would be an eternal and everlasting disgrace to the church."

Burk was a member of the church with the jury to Jim Cole. "If he were a Catholic he would be an eternal and everlasting disgrace to the church."

Burk was a member of the church with the mine, and entered a piec of not good. Haines, and entered a piec of not good, with the jury to Jim Cole. "If he were a Catholic he would be an eternal and everlasting disgrace to the church."

2 o'clock yesterday, in Justice Ross' court, and Haines, and entered a piec of not good. The piece of the prediction and the piece of the good of the piece of the piece

TRIO OF OPINIONS.

Federal Court Passes Upon Interest ing Points of Law Which Affect n Great Many People.

The liability of a railroad company for injuries to which the injured contributed by negligence does not begin until the agents of the company discover the peril of the prospective victim and put forth all pos-sible efforts to prevent an accident. That is the opinion of the federal court as hand-

is the opinion of the federal court as handed down yesterday morning in the case of Peter Matz and others against the Alton, the demurrer to the second amended petition being overruled. The rallroad company sought to evade responsibility for the death of Henry Matz, a boy, by pleading that all possible efforts were made by the train crew to prevent the accident which gave rise to the suit, which was for damages. The court said:

"While inclined to the belief that in an action for personal injury where there is contributory negligence the liability of the rallroad company does not begin till after the discovery of the peril of the injured by the agents of the company and the latter then put forth all possible efforts to prevent injuries, yet the difficulty in sustaining the demurrer in this case arises from the fact that the petition does not show the boy was negligent. The demurrer is overruled."

the boy was negligent. The demurrer is overruled.

An interesting and important decision involving the practice of setting aside verdicts and allowing plaintiffs to take a nonsult was rendered. After arguing very earnestly against the general practice of forcing defendants, after they had gone through the expense and annoyance of a trial, to go through it again when the plaintiff has not made out a case, the court decided that in the particular case of Annie W. Cheatham against the Haugh-Noelke iron works, the motion to set aside the verdict and permit a non-suit should be granted.

Another interesting decision was reneated.

Court Briefs.

Another interesting decision was rendered in the case of Peter Johnson against Swift & Co., a motion to strike out portions of the amended petition being denied. The question of the Kansas statute of limitation was involved and the court held that, the company being an Illinois corporation and the plaintiff living in Missouri, the Kansas statute of limitation could not be pleaded, even though the accident for which the plaintiff sought to recover occurred in Kansas.

Court Briefs.

Court Briefs.

The case of Eliwood Hollingsworth, for the killing of Alexander Schwab, will be tried in the criminal court Thursday.

The case of William Bradley, colored, who killed Robert Briggs with a brick last June, will be tried in the criminal court to-day.

Gasoline Severely Burns Emil Laier.

Emil Laier, an engineer in the employ

SACRILEGIOUS THIEF
Swift, came in and explained that the date of the trial had been confused with the date of a civil suit growing out of the same trouble, which is set for to-day. The case will probably be heard Wednesday.

PAIR TO DRAW AWAY FROM. arah Withers and John Kelly Were a Tough Sight When Arraigned

Before Justice Joyce. The trial of Sarah Withers and John Kelly, arrested for robbery, Sunday after a desperate struggle, was set for Wednes-day by Justice Joyce, before whom they day by Justice Joyce, before whom they were arraigned yesterday. They bore evidences of the terrible affray with three policemen, while resisting arrest near Nineteenth and Main. The prisoners were shackled together, and their faces were hardly recognizable as part of the human anatomy. They were able to talk through the mass of bandages which held pieces of disheveled flesh together to the extent of "Not guilty."

The Chinaman, Wau Kum, whom they robbed and beat, was there with his broken jaw. He could say nothing, but he continued to keep an eye on the prisoners, the only eye that survived the assault, by facing the wall opposite the justice's desk.

WILL BE HEARD ANYHOW.

Justice Spitz Will Go Ahead With the Hyde Case February 13, Attor-

ney or No Attorney. The continued absence of Senator Young, ooking after his legislative duties at the capital, continues to cause the continuation of the strange case of Dr. Hyde, who is awaiting a hearing on a charge of grave robbery. The date now fixed for the hearing, and which, by the way, is the seventh one and ought to mean luck for some one, is February 13—not generally considered so lucky in the necromancy of numbers. Sentator Young, who is the defendant's attorney, says he will be on hand that day without fail, and Justice Spitz says it doesn't make any difference whether he is or not, the case will be heard.

HAINES CASE MARCH 27. udge Wofford Overrules Objections to Arraignment Before a Justice.

The case of John D. Haines, of Topeka, who killed his friend Charles Watson, in a Union avenue saloon two weeks ago, was set for trial March 27 in the criminal court yesterday. Judge Wofford arraigned Haines, and entered a plea of not guilty for him.

HANCOCK WILL GIVE BOND.

Fort Worth Stockmen Will Sign Their Names to the Extent of \$5,000 To-day.

It was announced by a friend of S. F. Hancock, cashier of the defunct Planters' bank, that he would give bond before Jusbank, that he would give bond before sus-tice Ross to-day. The amount has already been fixed at \$5,000. The bond will be signed by Fort Worth stockmen. Hancock will remain in Kansas City pending a settlement of his case.

Bankrupts Before the Court.

Bankrupts Before the Court.

In the federal court yesterday the greater part of the day was consumed in bankruptcy proceedings, the case of Dr. A. E. Neumister consuming a great deal of time. This application has been under consideration for several weeks and has been up several times, but a discharge has not been given because of the protest of Mrs. Neumister. She holds a judgment against her husband and she asks the court that he be compelled to pay it. A transfer of property is being inquired into.

Charles A. Norton filed an application yesterday for relief from his debts as a bankrupt, declaring that he has no assets and no creditors.

Francis Gets a Reprieve.

C. H. Francis, of the Tri-State Long Distance Telephone Company, who was arrested last week on charge of defrauding Pruzon & Willock, produce dealers, of the money paid them for putting in a 'phone at their place of business, failed to appear for his preliminary hearing before Justice Spitz yesterday and his bond was declared forfeited. An alias warrant was issued for Francis, but soon after, his attorney, Mr.

MISS MARIE M'KENNA.



A marriage engagement of more than ordinary interest is that of Miss Marie Mc-Kenna; the second raughter of Justice McKenna to Richard Kerens, Jr., of St. Louis. The wedding will undoubtedly be married the former's son, Mr. Frank Mc-one of the fashionable events of Easter and will take place in Washington. Miss Marie McKenna made her debut last season.

This marriage will serve further to ce-

Emery, Bird, Thayerve. Emery, Bird, Thayerve.

KANSAS CITY, Jan. 31.—Yesterday's temperature—Max., 6; min., -5. To-

ATTENTION, HOTELKEEPERS, HOUSEKEEPERS AND **BOARDING HOUSE KEEPERS!**

To-morrow the Linen Sale Begins

Let your whole house be ransacked and a complete list of what Linens you need be made, for the opening sale of Linens begins to-morrow (Wednesday). Linens, Towels, Bedspreads, Crashes, Diaper Cloth, Stamped Linen, etc., will be on sale at prices 'way under their actual worth.

39c will buy Table Linen worth 65c a yard; 98 cents for Table Linen worth \$1.25; Double Damask Bleached Table Linen worth \$1.50 for \$1.25 a yard; Napkins that should sell for \$1.25 a dozen will be 95c, and Napkins worth \$2.50 for \$1.98. Also for \$3.98 there will be Napkins worth \$5.00 dozen. For 10c we will sell Bleached Cream and Faucy Striped Turkish Towels. Other fine Towels at various prices. Also selections of Crashes, Bedspreads and Diaper Cloths. In connection with this sale you will find prices marked about half in the Art Needle Department, Grand avenue floor. A grand opportunity to buy Drawn Work and new stamped designs for Embroideries. Remember the date of sale, To-morrow, February 1st.

Out of town customers may send orders through the mail with the assurance that they will receive perfect satisfaction.

Walnut Heb. Str. Emery, Bird, Thayer vo. 11th Str. Grand Nov.

Only the Rich



Can afford to buy unknown, cheap pianos. The man moderately well-to-do should only buy the best. He will then have to buy but once. Thousands of people in Kansas City and vicinity found the Vose the most satisfactory piano in the market, and its moderate price has made it all the more popular. Sold here at \$10 monthly.

J. W. Jenkins' Sons Music Co.,

921 and 923 Main Street.

A Great Hit-Our 50c Sheet Music at 15c.

THE MAYOR SAYS THEY CAN AND WILL BE SUPPRESSED.

s Opposed to a New Ordinance and Believes That the Present Law Will Effect the Desired End -Wants It Tested.

If Mayor Jones can get Police Commissioners Gregory and Ward to act with him the fancied security of the poolroom keepers, who have been doing a big business since they won their case in the police court, is going to be rudely disturbed.

Mayor Jones returned yesterday morning from a two weeks' trip to Mexico and for the first' time learned that the anti-gambling ordinance had been declared unconstituted. ling ordinance had been declared unconsti utional by Police Judge Burnham. "I am opposed to the passing of any nore ordinances," said he, "we do not need them. The ordinance that is now a law is as good a one as can be passed. All we

them. The ordinance that is now a law is as good a one as can be passed. All we have to do is to enforce it and enforce it we can without a doubt. The law has never been tested yet, and we do not know whether or not it is unconstitutional. It was an outrageous thing to arrest a lot of commission men on the pretense that their business came under the provisions of the law. You will notice the poolrooms closed up promptly as soon as the measure was passed and did not open until the other cases had been decided. They know the law is good and their attorneys know the law is good, and it is useless to talk of enacting another one. Besides, if we attempt to pass an ordinance directed solely at poolrooms, it will be declared class legislation and may be defeated in that way.

"If it can be done. I propose to have the present law enforced, and if we can't enforce it it is no use trying any other law, I want the police department to begin making raids on these poolrooms at once and to keep at it every hour they are open. They should not only arrest the proprietors, but every man they find in them. If Judge Burnham refuses to convict them we have a city attorney who has the power to appeal, and I will sign every appeal bond. This talk about not being able to enforce this law is farctical. We can enforce this law is farctical of the police commissioners to-morrow and Mayor Jones will make another effort towards renewing the raids on the poolrooms. If Commissioners Gregory and Ward act with him it is expected that one raid will be all that is necessary, as the proprietors of the places will not attempt to reopen until their cases have been decided by the court of appeals, if it is necessary to carry them up that far.

FRED DICKEY IN CHARGE.

legistry Division in City Postoffice Now Under Superintendence of

Private Secretary. The registry division of the postoffice is now in charge of Fred Dickey, who is of-ficially the private secretary of the postficially the private secretary of the post-master. The change was made yesterday by Assistant Postmaster Davis, in the ab-sence of Postmaster Scott.

The head of the registry division is un-der the civil service rules, although Mr. Dickey has never taken the examination. The position draws \$1,400, while the incum-bent is only in receipt of the \$1,200 yearly salary attached to the private secretary-ship of the postmaster. Superintendent Collins still presides over the money order department and it is stated that no change will be made for some time at least.

Kansas City Day Nursery.

A decree of incorporation was granted by Judge Henry yesterday to the Kansas City Day Nursery. The officers are: Mrs. Hugh Miller, president; Mrs. J. M. Cromer, vice president; Mrs. M. C. Ross, secretary; Mrs. Moses T. Runnels, corresponding secretary; Mrs. K. L. Mills, treasurer: Mrs. T. J. Eaman, auditor; Mrs. J. A. Brubaker, Mrs. C. H. Beattle and Mrs. J. H. Kitchen, members of the executive board.

Commercial Club Meeting. The Commercial Club will entertain at the commercial action with the members of the board of trade and Live Stock exchange, and a largely attended meeting is expected. The address of the evening will be by L. C. Krauthoff, who will speak on the importance and proper functions of commercial exchanges.

Advertise your houses for sale or to let in The Journal if you want to secure a purchaser or tenant.

Calendar.

Wedding and reception invitations engraved in corpurchaser or tenant.

PUNISHED BY BURNHAM. Of Forty-two Offenders He Finds

Thirty Guilty-Fines Range From \$2 to \$50. Forty-two offenders appeared before

Judge Burnham in police court yesterday morning and thirty of them were fined in sums ranging from \$2 to \$50. The usual number of peace disturbers, plain drunks and vagrants were before the court, with the usual pleas for leniency. Lila Johnson, the woman who robbed John Potter, of St. Louis, of \$25, was in

court to answer to a charge of vagrancy, and was sent to the workhouse for 100

Burnham gave them a severe but ineffective lecture.

William Drewell and wife, Maggie Drewell, were fined \$5 for disturbing the peace of Charles Zimmerman. The latter and the Drewells live in the same flat and they have not been on good terms for some time. Zimmerman said that Drewell and his wife abused him and made his life uncomfortable by throwing water on him.

Will McGinnis, a son of ex-Police Captain McGinnis, was in court along with Harry Ragsdale and Orville Meyers, to answer to a charge of disorderly conduct, McGinnis was fined \$15 last Friday for vagrancy, and was given a stay of execution on his promise to behave himself in future. Yesterday when he appeared in court, the old fine was chalked up against him. His father was present and appealed the case to the criminal court. Harry Ragsdale and Orville Meyers forfeited their bonds of \$5 each.

Walter Ryder was fined \$5 for fighting. Ryder quarreled with Perry Trotman, a boarder at his mother's home, and during the fight that followed struck Trotman over the head with a stove poker. Both were arrested, but Trotman was discharged.

Henry Tyson, a rent collector, was tried for swearing at Mrs. Sarah Hawkins, because she didn't have his money ready. He was discharged.

KIRK LOST HIS CASE.

Decision of Supreme Court in Regard to War Revenue Stamps on Telegrams.

J. Waldere Kirk, one time king of the dudes, has come out second best in his suit against the Western Union Telegraph Company for delaying a message which lacked the 1 cent war revenue stamp. The suit, which was for \$5,000, was filed in suit, which was for \$5,000, was filed in California last fall, and was taken to the supreme court of the United States for decision. In the notice sent from the internal revenue department and received yesterday by Collector Kellogg, the decision states that it is the duty of the signer and maker of a telegram to affix and cancel a war revenue stamp for 1 cent.

PEOPLE IN SOCIETY.

Miss Ada Nave is visiting Miss McCord in St. Joseph. Mrs. Linda Clarkson is entertaining Mrs. M. M. Briggs, of Salina, Kas. Miss Dora Rogers will be the guest of Miss Small in Sedalia this week.

Mrs. Frank Faxon was the guest of Mr. J. C. Fox in Atchison on Sunday.

Miss Corinne Shreve, who has been the guest of Kansas City friends for several months, has returned to her home in Louisville, Ky.

Miss Madge Packard, of Independence, is visiting Miss Louise Embry, of Louis-ville, Ky., and Mrs. Ben D. Jay, of New Albany, Ky.

Miss Martha Brent and her guest, Miss Andrews, of Kentucky, will leave Wednes-day for Sallsbury, Mo., where they will be the guests of Miss Wayland, Mrs. Conway F. Holmes, Mrs. Churchill Bridgeford and Mrs. Clara Cannon will leave Friday evening for San Antonio, Tex., joining a party of friends at Fort Worth.

Mrs. S. W. Moore, Miss Agnes Lee, Miss Jutta Phillips, Miss Katherine Dunn, Miss Ciara Lynn, Miss Anna Wilder, Miss Elizabeth Wilder, Miss Nelson and Miss Drake formed the Kansas City contingent at the banquet given in Lawrence Saturday evening by the members of the Kappa Alpha Theta, in celebration of the fraternity's twenty-ninth anniversary. Sixty members were present, and the event was one of the most important in the university's social calendar.

KEITH'S—SPECIAL.

All departments will be open to-day and to-morrow (Tuesday and Wednesday). We close the entire balance of the week to take inventory.

(Furniture and Carpet Sales advertised for Friday will not be held.)

At 415 and 417 Delaware street we have put on the floors strong stocks of Sideboards, Extension Tables, Dining Chairs, Wardrobes, Folding Beds, Couches, Brass and Iron Beds, Springs, Mattresses, etc.

At 1221 and 1223 Main street we offer good assortments of Carpets, Rugs, Mattings, Linoleums and Oil Cloths. Come and judge of values for yourself. Terms cash. No exchanges. See following advertisement for Curtain Department sales.

Robert Keith Furniture & Carpet Co.

Furniture Sales, 415 and 417 Delaware Street. Carpet Sales, 1221 and 1223 Main Street.

CURTAIN DEPARTMENT.

The Curtain Sale advertised for Wednesday and Thursday will now be held to-day and to-morrow (Tuesday and Wednesday), and closed for balance of week. Read list for special items:

High Class Decorative Fabrics

Enough for one pair Porticres only. 3 colors Brocaded Velours, tinseled, was \$7.50 yard, now \$2.85 3 colors plain Silk Velour, worth \$4.25 yard, now \$2.35 3 colors plain Slik Velour, worth \$7.20 3 colors plain Slik Velour, worth \$7.50 yard, now \$3.85

High Class Decorative Fabrics Enough for two pair Portieres alike.

only, yard \$1.45
2 colors Silk and Wool Scotch Drapery, worth \$3.50, now, yard...\$1.85
2 colors Reversible Wool Tapestry
for hall and library hangings, worth
\$3.75 yard, now \$2.35
3 colors Tinseled Heraldic Tapestry,
only, yard \$2.45 3 colors rich Figured Velours, only,

Furniture Coverings.

Corduroys, worth \$1.00 yard, only.. 50e Goblin Tapestries, worth \$1.75, only, Silk Goblin Tapestries, extra value, Wool Tapestries, were \$7.50, now, yard \$2.65

100 Rope Portieres, the \$7.50 kind, for each 50 single door Rope Portieres, only,

Finlander's Portieres, formerly \$11.50

Robert Keith Junuare & Carpet Co.

Curtain Sales-1221 and 1223 Main St.

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CHARLES P. ADAMS, 34 Sale Deposit Boxes Rented and All Kinds of Valuables Salely Stored.

DEALERS IN PAINTS, OIL AND GLASS. Nos. 1206-1208-1210 UNION AVE. (Near Union Depot), KANSAS CITY, MO.

THE PAINT MANUFACTURERS AND GRINDERS. THE GLASS AND PAINT JOBBERS.....

ELEVENTH AND MULBERRY STS., Telephone 131.

IS LIKE A GOOD TEMPER, "IT SHEDS A BRIGHTNESS EVERYWHERE."

and Sunday Journal 10c a Week.



Shortest Line and Quickest Time to PITTSBURG, JOPLIN, FT. SMITH, HOUSTON, GALVESTON, HOT SPRINGS, NEW ORLEANS. Train Leaves at 6:50 P. M.

ONLY DINING CAR LINE SOUTH. CHEAP RATES SOUTH FIRST AND THIRD TUESDAYS OF EACH MONTH.

H. C. ORR, Gen. Pass. Agt. Ticket Office, 106 West 9th.

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Is without an equal for do Most economical Coal burned. Makes

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